

ASSEMBLY BILL

No. 1358

Introduced by Assembly Member Mullin

February 22, 2005

An act to amend Section 17215 of the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1358, as introduced, Mullin. Acquisition of proposed schoolsites: notice.

Existing law requires the governing board of each school district, before acquiring title to property for a new schoolsite, to provide the State Department of Education written notice of the proposed acquisition, along with any information required by the department, if the proposed site is within two miles, measured by air line, of that point on an airport runway or potential airport runway included in an airport master plan that is nearest to the site. Existing law requires the Department of Education, upon receipt of the notice, to notify the State Department of Transportation in writing of the proposed acquisition. Existing law requires the Department of Transportation to investigate the proposed site and submit a report of its findings and recommendations concerning acquisition of the site to the Department of Education. Existing law requires the Department of Education to forward the report to the governing board of the school district. Existing law provides that state or local funds may not be apportioned or expended for acquisition of a site if the Department of Transportation's recommendation does not favor acquisition of the site.

This bill would subject the proposed acquisition of a schoolsite by a charter school to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17215 of the Education Code is
2 amended to read:
3 17215. (a) In order to promote the safety of pupils,
4 comprehensive community planning, and greater educational
5 usefulness of schoolsites before acquiring title to property for a
6 new schoolsite, the governing board of each school district,
7 including any district governed by a city board of education, *or a*
8 *charter school*, shall give the State Department of Education
9 written notice of the proposed acquisition and shall submit any
10 information required by the State Department of Education if the
11 proposed site is within two miles, measured by air line, of that
12 point on an airport runway or a potential runway included in an
13 airport master plan that is nearest to the site.
14 (b) Upon receipt of the notice required pursuant to subdivision
15 (a), the State Department of Education shall notify the
16 Department of Transportation in writing of the proposed
17 acquisition. If the Department of Transportation is no longer in
18 operation, the State Department of Education shall, in lieu of
19 notifying the Department of Transportation, notify the United
20 States Department of Transportation or any other appropriate
21 agency, in writing, of the proposed acquisition for the purpose of
22 obtaining from the department or other agency any information
23 or assistance that it may desire to give.
24 (c) The Department of Transportation shall investigate the
25 proposed site and, within 30 working days after receipt of the
26 notice, shall submit to the State Department of Education a
27 written report of its findings including recommendations
28 concerning acquisition of the site. As part of the investigation,
29 the Department of Transportation shall give notice thereof to the
30 owner and operator of the airport who shall be granted the
31 opportunity to comment upon the proposed schoolsite. The
32 Department of Transportation shall adopt regulations setting
33 forth the criteria by which a proposed site will be evaluated
34 pursuant to this section.

1 (d) The State Department of Education shall, within 10 days of
2 receiving the Department of Transportation's report, forward the
3 report to the governing board of the school district *or charter*
4 *school*. The governing board *or charter school* may not acquire
5 title to the property until the report of the Department of
6 Transportation has been received. If the report does not favor the
7 acquisition of the property for a schoolsite or an addition to a
8 present schoolsite, the governing board *or charter school* may
9 not acquire title to the property. If the report does favor the
10 acquisition of the property for a schoolsite or an addition to a
11 present schoolsite, the governing board *or charter school* shall
12 hold a public hearing on the matter prior to acquiring the site.

13 (e) If the Department of Transportation's recommendation
14 does not favor acquisition of a proposed site, state funds or local
15 funds may not be apportioned or expended for the acquisition of
16 that site, construction of any school building on that site, or for
17 the expansion of any existing site to include that site.

18 (f) This section does not apply to sites acquired prior to
19 January 1, 1966, nor to any additions or extensions to those sites.